

REMIC will distribute to the transferee residual interest holder amounts that will equal at least 30 percent of each excess inclusion, and that such amounts will be distributed at or after the time at which the excess inclusion accrues and not later than the close of the calendar year after the calendar year of accrual.

Proposed Effective Date

Generally, proposed § 1.860G-3(a)(1), (2), and (3), as amended, is proposed to be effective for transfers of residual interests that occur after April 20, 1992. However, the proposed regulation, as amended, does not apply to the transfer of a residual interest in a REMIC by the REMIC's sponsor (or by another transferor contemporaneously with the formation of the REMIC) on or before June 30, 1992 if three conditions are satisfied. First, the terms of the regular interests and the prices at which regular interests will be offered must have been fixed on or before April 20, 1992. To satisfy this condition, the REMIC sponsor need not have prepared a prospectus setting forth the terms of the regular interests and the prices at which regular interests are offered before April 20, 1992. The sponsor must, however, be able to demonstrate that the terms of the regular interests and the prices at which regular interests are offered were established before that date. Second, on or before June 30, 1992, a substantial portion of the regular interests in the REMIC must have been sold, with the terms and at the prices that were fixed on or before April 20, 1992, to investors who are unrelated to the REMIC's sponsor. Third, the residual interest must not have tax avoidance potential within the meaning of existing proposed § 1.860G-3(a)(2).

This notice of proposed rulemaking does not amend or affect proposed § 1.860G-3(a)(4), and therefore, proposed § 1.860G-3(a)(4) continues to have a proposed effective date of September 27, 1991.

Special Analysis

It has been determined that these proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553 (b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these proposed regulations, and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805 (f) of the Internal Revenue Code, these proposed regulations will be submitted to the

Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these proposed regulations is Tom Lyden of the Office of Assistant Chief Counsel (Financial Institutions & Products). However, personnel from other offices of the IRS and Treasury Department participated in the development of the proposed regulations.

List of Subjects in 26 CFR 1.860A-0 through 1.860G-3

Income taxes, Investments, Mortgages, REMICs.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805.

* * * Section 1.860G-3 also issued under 26 U.S.C. 860G(b) and 26 U.S.C. 860G(e). * * *

Par. 2 Section 1.860A-0, as proposed on September 30, 1991 (56 FR 49534), is amended by adding paragraph headings (A) and (B) to the entry for § 1.860A-1(b)(2)(i) to read as follows:

§ 1.860A-0 Outline of REMIC provisions.

§ 1.860A-1 Effective dates and transition rules.

(b) * * *

(2) * * *

(i) * * *

(A) Transfers of certain residual interests.

(B) Transfers to foreign holders.

Par. 3. Section 1.860A-1, as proposed on September 30, 1991 (56 FR 49535), is amended by revising paragraph (b)(2)(i) to read as follows:

§ 1.860A-1 Effective dates and transition rules.

(b) * * *

(2) * * * (i) *In general*—(A) *Transfers of certain residual interests.* Section 1.860E-1(c) (concerning transfers of noneconomic residual interests) and § 1.860G-3(a)(4) (concerning transfers by a foreign holder to a United States person) are effective for transfers of

residual interests on or after September 27, 1991.

(B) *Transfers to foreign holders.* Generally, § 1.860G-3(a) (1), (2), and (3) (concerning transfers of residual interests to foreign holders) is effective for transfers of residual interests after April 20, 1992. However, § 1.860G-3(a) (1), (2), and (3) does not apply to a transfer of a residual interest in a REMIC by the REMIC's sponsor (or by another transferor contemporaneously with formation of the REMIC) on or before June 30, 1992 if—

(1) The terms of the regular interests and the prices at which regular interests will be offered have been fixed on or before April 20, 1992;

(2) On or before June 30, 1992, a substantial portion of the regular interests in the REMIC have been transferred, with the terms and at the prices that were fixed on or before April 20, 1992, to investors who are unrelated to the REMIC's sponsor; and

(3) At the time of the transfer of the residual interest, the expected future distributions on the residual interest equal at least 30 percent of the anticipated excess inclusions (as defined in § 1.860E-2(a)(4)), and the transferor reasonably expects that the transferee will receive sufficient distributions from the REMIC at or after the time at which the excess inclusions accrue.

Par. 4. Section 1.860G-3(a)(2), as proposed on September 30, 1991 (56 FR 49544), is revised to read as follows:

§ 1.860G-3 Treatment of foreign persons.

(a) * * *

(2) *Tax avoidance potential.* A residual interest has tax avoidance potential for purposes of this section unless, at the time of the transfer, the transferor reasonably expects that the REMIC will distribute to the transferee residual interest holder amounts that will equal at least 30 percent of each excess inclusion, and that such amounts will be distributed at or after the time at which the excess inclusion accrues and not later than the close of the calendar year following the calendar year of accrual.

David G. Blattner,
Chief Operations Officer, Internal Revenue Service.

[FR Doc. 92-9010 Filed 4-17-92; 8:45 am]

BILLING CODE 4836-01-M

26 CFR Part 1

(FI-88-86)

RIN 1545-AJ35

Real Estate Mortgage Investment Conduits; Hearing**AGENCY:** Internal Revenue Service, Treasury.**ACTION:** Notice of public hearing on proposed regulations.**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to real estate mortgage investment conduits, or REMICs.**DATE:** The public hearing will be held on Wednesday, June 17, 1992, beginning at 10 a.m. Requests to speak and outlines of oral comments must be received by Wednesday, May 27, 1992.**ADDRESSES:** The public hearing will be held in the Commissioner's Conference Room, room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC. Requests to speak and outlines of oral comments should be submitted to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:TR, (FI-88-86), room 5228, Washington, DC 20044.**FOR FURTHER INFORMATION CONTACT:** Carol Savage of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-377-9236 or (202) 566-3935 (not toll-free numbers).**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under sections 860A and 860G of the Internal Revenue Code of 1986. The proposed regulations appear elsewhere in this issue of the Federal Register.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Wednesday, May 27, 1992, an outline of the oral comment/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time

consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be permitted beyond the lobby of the Internal Revenue Service Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Cynthia E. Grigsby,

*Alternate Federal Register Liaison Officer,
Assistant Chief Counsel (Corporate).*

[FR Doc. 92-9011 Filed 4-17-92; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 799**

(OPPTS-42111B; FRL-4057-5)

RIN 2070-AB94

Additional Information Supporting Toxic Substances Control Act (TSCA) Test Rule on Office of Water Chemicals**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Reopening of comment period; notice of availability.

SUMMARY: This notice announces the availability of additional information supporting the finding that there is or may be substantial human exposure to chloroethane (CAS No. 75-00-3), 1,1-dichloroethane (CAS No. 75-34-3), 1,1,2,2-tetrachloroethane (CAS No. 79-34-5), *n*-propylbenzene (CAS No. 103-65-1), and 1,3,5-trimethylbenzene (CAS No. 108-67-8). EPA proposed a rule requiring testing of these chemical substances (substances) under section 4 of the Toxic Substances Control Act (TSCA) on May 24, 1990 (55 FR 21393). These chemicals were referred to as the Office of Drinking Water Chemicals in the proposed rule.

DATES: Written comment on the supplemental supporting information referenced in this document, Ref. 1, must be submitted on or before May 20, 1992.

ADDRESSES: Three copies of comments identified with the document control number (OPPTS-42111B) must be submitted to: TSCA Public Docket

Office (TS-793), Office of Pollution Prevention and Toxics, Rm. NE-G004, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. A public record has been established and is available in the TSCA Public Docket Office at the above address from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 260-3949.

SUPPLEMENTARY INFORMATION: On May 24, 1990 (55 FR 21393), EPA proposed oral subacute and subchronic health effects testing of the five substances listed in the above summary under section 4 of TSCA. EPA supplemented that notice with a second notice on July 15, 1991 (56 FR 32294). The purpose of this testing is to assist the Safe Drinking Water Program develop Health Advisories for drinking water contaminants that are monitored under section 1445 of the Safe Drinking Water Act (SDWA). Monitoring data collected under the SDWA for these substances were recently made available for nine states (AL, FL, IN, MA, MI, NE, PA, RI and WV). These data showed that chloroethane was present in drinking water in four of the nine states; 1,1-dichloroethane in six of the nine states; 1,1,2,2-tetrachloroethane in five of the nine states; *n*-propylbenzene in two of the nine states; and 1,3,5-trimethylbenzene in three of the nine states. These data have been added to the public docket for this rulemaking as Reference 1. EPA intends to use this information to support a finding that there is or may be substantial human exposure to these chemicals. The Reference Document 1 containing the information about the presence of these substances in the drinking water of various states may be obtained from EPA at the TSCA Public Docket Office at the address and time listed above under ADDRESSES.

Dated: April 7, 1992.

Charles M. Auer,

Director, Existing Chemical Assessment Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-9090 Filed 4-17-92; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife

50 CFR Part 17

Petitions To Change Status of Grizzly Bear Population in Selkirk Ecosystem of Idaho and Washington et al.

In the matter of Endangered and Threatened Wildlife and Plants: Notice of Receipt of Petitions to Change the Status of Grizzly Bear Populations in the Selkirk Ecosystem of Idaho and Washington; the Cabinet-Yaak Ecosystem of Montana; the Yellowstone Ecosystem of Montana, Wyoming, and Idaho; and the Northern Continental Divide Ecosystem of Montana from Threatened to Endangered.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day petition finding for two petitions to amend the List of Threatened and Endangered Wildlife. The petitioners submitted substantial information indicating that the reclassification from threatened to endangered status may be warranted for the grizzly bear (*Ursus arctos horribilis*) populations in the Cabinet-Yaak Ecosystem and in the Selkirk Ecosystem. Through the issuance of this notice, the Service is commencing a formal review of the species in these two areas. The petitioners did not present substantial information that changing the status of the grizzly bear from threatened to endangered may be warranted for the Yellowstone Ecosystem and the Northern Continental Divide Ecosystem. The petitioners also requested a change from threatened to endangered status for the grizzly bear population in the North Cascades area. This request was previously addressed and the finding was published in the *Federal Register* dated July 24, 1991 (56 FR 33892-33894).

DATES: The finding announced in this notice was approved in February 1992.

ADDRESSES: Questions or comments concerning this finding should be sent to Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, NS 312, University of Montana, Missoula, Montana 59812, telephone (406) 329-3223. The petition, finding, and supporting data are available for public inspection by appointment during normal business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen (see **ADDRESSES** above).

SUPPLEMENTARY INFORMATION:
Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1533 et seq.), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition and the finding is to be published promptly in the *Federal Register*. If the finding is positive, the Service also is required to promptly commence a review of the status of the involved species. The Service announces a 90-day finding on two petitions requesting the reclassification of grizzly bears from threatened to endangered status, and initiates a status review.

A petition dated February 4, 1991, was received by the Service from The Fund for Animals, Inc., on February 7, 1991. The petition requested the Service to reclassify grizzly bear (*Ursus arctos horribilis*) populations in the Selkirk Ecosystem of Idaho and Washington; the Cabinet-Yaak Ecosystem of Montana; the Yellowstone Ecosystem of Montana, and Idaho; and the Northern Continental Divide Ecosystem of Montana, from threatened to endangered. A petition dated January 16, 1991, was received by the Service from Mr. D.C. "Jasper" Carlton on January 28, 1991. The petition requested that the Service reclassify the grizzly bear populations in the Cabinet-Yaak Ecosystem of Montana and the Selkirk Ecosystem of Idaho and Washington, from threatened to endangered. The petition furthermore requested that the grizzly bear population in the North Cascades of Washington be reclassified from threatened to endangered. In addition, the petitioner requested designation of critical habitat for the Northern Continental Divide, Yellowstone, Selkirk, and Cabinet-Yaak Ecosystems.

The Funds for Animals, Inc., and Mr. D.C. "Jasper" Carlton submitted information that grizzly bears in the Cabinet-Yaak region and Selkirk Mountains are imperiled because current populations there are small. The petitioners also indicated that a range of threats exist to the survival of the remaining populations of grizzly bears in these areas and in the Yellowstone Ecosystem and the Northern Continental Divide Ecosystem, including road construction, land management activities, livestock grazing, land

development, and inadequate support from management agencies.

Grizzly bears have been eliminated from most of their endemic range in the lower 48 States, and presently occupy approximately 2 percent of their historic range (U.S. Fish and Wildlife Service 1990). In 1975, grizzly bears in the lower 48 States were listed as "threatened" under the Act of 1973. As such, grizzly bear populations receive the protection afforded a species listed as threatened under the Act; section 7 (Consultation) and section 9 (Prohibited Acts) apply. However, species listed as endangered have more protection under section 9 than species listed as threatened, and special rules cannot be established for endangered species. The Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1982) provides guidelines for recovery of the species.

The draft revised Grizzly Bear Recovery Plan identifies seven ecosystems that may play a role in recovery: Yellowstone, Northern Continental Divide, Cabinet-Yaak, Selkirk, North Cascades, Bitterroot Ecosystems in Montana, Wyoming, Idaho, and Washington, and the San Juan Mountains in Colorado. Four of these areas (Yellowstone, Northern Continental Divide, Cabinet-Yaak, and Selkirk Ecosystems) are known to contain grizzly bears and provide adequate space and habitat to maintain a population of grizzly bears, and as such are designated as grizzly bear recovery zones in the draft revised Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1990). Additionally, evaluation of the North Cascades Ecosystem as to its potential to support a grizzly population is ongoing.

The petitions addressed here involve five areas, four of which are designated recovery zones. Grizzly bear populations within the various ecosystems are relatively isolated from each other and are considered individually for status review.

The Yellowstone Grizzly Bear Ecosystem encompasses over 23,300 km² (14,447 mi²), and includes Yellowstone National Park, Grand Teton National Park, John D. Rockefeller Memorial Parkway, and significant contiguous portions of six national forests, Bureau of Land Management lands, and State and private lands.

The Northern Continental Divide Ecosystem encompasses 24,800 km² (14,900 mi²) and contains Glacier National Park, parts of five national forests including the Bob Marshall, Great Bear, Mission Mountains, and Scapegoat Wilderness Areas, portions of the Blackfoot Indian and the Flathead

Indian Reservations, Bureau of Land Management lands, and significant amounts of private and State lands.

The Cabinet-Yaak Ecosystem encompasses 6,800 km² (4200 mi²) and includes the Cabinet Mountains and Yaak River region of northwestern Montana and northeastern Idaho. The Selkirk Ecosystem encompasses 2,800 km² (1736 mi²) in the United States portion and 2,270 km² (1400 mi²) in Canada, including the Selkirk Mountains of northwestern Idaho and northeastern Washington and extends northward into British Columbia to the Kootenay Lake area.

The North Cascades Ecosystem is not as yet designated as a grizzly bear recovery zone in the draft revised Grizzly Bear Recovery Plan. A habitat evaluation, completed in 1991, indicated that the ecosystem is capable of supporting a viable grizzly bear population. The Interagency Grizzly Bear Committee supports the Service's recommendation to designate this area as a grizzly bear recovery area. The North Cascades Ecosystem includes the North Cascades Mountains of north-central Washington and encompasses North Cascades National Park, portions of one national forest including the Paysayten, Glacier Peak, and Alpine Lakes Wilderness areas.

Grizzly bear populations in the Yellowstone Ecosystem and Northern Continental Divide Ecosystem have been studied and monitored since 1975. Presently, no reliable methods exist for determining absolute numbers of grizzly bears in any area. The Service relies instead on indicators that can be monitored to give an accurate representation of population status. These indicators are outlined in the draft revised Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1990) and include three parameters: (1) The number of female bears with cubs of the year monitored over a 3- or 6-year running average, (2) the distribution of females with young, based on all verified sightings within Bear Management Units throughout each particular recovery zone over a 3-year running average, and (3) known human-induced mortality within each ecosystem. Monitoring efforts are ongoing in both the Yellowstone Ecosystem and Northern Continental Divide Ecosystem.

The draft revised Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1990) subgoals for the Yellowstone Ecosystem are 15 females with cubs over a running 6-year average, and known human-induced mortality not to exceed a total of 7 grizzly bears or 2 adult females on a running 6-year

average. From 1980 to 1990, the unduplicated females with cubs in this area averaged 16 per year, and female mortality averaged 2.4 per year (Knight et al. 1991). The numbers of females with cubs reported remained fairly stable or increased over the years, and female mortality remained stable. There are more than 200 grizzly bears in the Yellowstone Ecosystem. These data indicate that the grizzly bear in the Yellowstone Ecosystem is unlikely to go extinct in the near future. Because the definition of an endangered species is a species that is in danger of extinction, the grizzly bear population in the Yellowstone Ecosystem does not fit the definition of an endangered species. Therefore, the Service chooses not to reclassify the grizzly bear from threatened to endangered in the Yellowstone Ecosystem.

The draft revised Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1990) subgoals for the Northern Continental Divide Ecosystem are 10 females with cubs within Glacier National Park, and 12 females with cubs outside the Park over a 3-year running average, and known mortality not to exceed 14 total bears or 6 females annually over a running 6-year average. In the Northern Continental Divide Ecosystem, the average number of unduplicated females with cubs since 1987 was 24 per year, and annual female mortality averaged 5.4 per year. The numbers of females with cubs remained fairly stable or increased, and female mortality remained stable or decreased. The Grizzly Bear Recovery Plan (U.S. Fish and Wildlife Service 1982) included a grizzly bear population estimate for the Northern Continental Divide Ecosystem of 440 to 680 bears. Additionally, the bear population of the Northern Continental Divide Ecosystem is contiguous with the larger population of grizzly bears in southeastern British Columbia. Research indicates that there is substantial movement of bears back and forth across the Montana-British Columbia border. These data indicate that the grizzly bear in the Northern Continental Divide Ecosystem is unlikely to go extinct in the near future. Because the definition of an endangered species is one that is in danger of extinction, the grizzly bear population in the Northern Continental Divide does not meet the definition of an endangered species. Therefore, the Service chooses not to reclassify the grizzly bear from threatened to endangered in the Northern Continental Divide Ecosystem.

The Interagency Grizzly Bear Committee approved the Interagency Grizzly Bear Guidelines (Interagency Grizzly Bear Committee 1986) which

provide land management recommendations that include special grizzly habitat management areas within the recovery zones. These guidelines have been adopted by various land management agencies in their NEPA planning documents.

Management within the grizzly bear recovery zones includes three Management Situations. Management Situation 1 is warranted in areas containing grizzly bear population centers and habitat components needed for the survival of the species or a segment of its population. Management will favor the needs of the grizzly bear when grizzly habitat and other land use values compete. Management Situation 2 occurs where the area lacks distinct population centers and highly suitable habitat does not generally occur. Management direction in Situation 2 accommodates demonstrated grizzly bear populations and/or grizzly bear habitat use in land use actions if feasible, but not to the extent of exclusion of other uses. In Management Situation 3, grizzly bear presence is possible but infrequent and habitat is unsuitable for grizzly bears because of existing developments. Grizzly bear habitat maintenance and improvement are not management considerations and grizzly bear use of the area is discouraged.

Grizzly bear habitat of Federal lands is currently managed according to the Interagency Grizzly Bear Guidelines. Large portions of grizzly bear habitat in both the Yellowstone Ecosystem and Northern Continental Divide Ecosystem recovery zones are contained in National Park Service, Bureau of Land Management, or National Forest lands including designated wilderness areas.

The Service has reviewed the best scientific and commercial information available for the grizzly bears in the Yellowstone Ecosystem and Northern Continental Divide Ecosystem, and has determined that the petition did not present substantial information indicating that reclassifying these populations may be warranted.

Research on the status of grizzly bears in the Cabinet-Yaak Ecosystem began in 1978 in the Cabinet portion, and in 1986 in the Yaak portion (Kasworm and Thier 1991). No population estimate is known for the Yaak portion of the area. Low densities of grizzly bears are found in the Yaak and contiguous areas in Canada, and interchanges of bears have been documented across the border. Movement between the Cabinet Mountains and the Yaak area has not been documented, although at the existing low densities, such movement

would be difficult to detect. Habitat and population data are being collected in the Yaak portion of the ecosystem as part of a 5-year study in this area. To date, eight grizzly bears have been trapped and radio-collared. Three individual grizzly bear have been trapped in the Cabinet portion. Based on this research, the grizzly bear population in the Cabinet Mountains portion of this area is thought to be less than 15 hours. Efforts are presently underway to augment the Cabinet area grizzly population. In 1990, a 4-year-old female grizzly bear was successfully translocated from southeastern British Columbia to the Cabinet Mountains. The movements of this bear are being closely monitored. Efforts to trap and relocate three more females into the Cabinet Mountains are ongoing. Up to four more relocations are planned during the present phase of work.

The Selkirk Ecosystem encompasses part of Canada and grizzly bear habitat is contiguous across the border. Research in the Selkirk Ecosystem has been ongoing since 1985 (Wakkinen et al. 1990). At least 23 grizzly bears have been radio-collared, however, no reliable population or density estimates exist for this region. Human-caused grizzly bear mortality is a problem in the Selkirk Ecosystem (Wakkinen et al. 1990). Six of eight known grizzly bear mortalities occurring during 1983 to 1990 were human induced.

The Service agrees that grizzly bear populations in both the Cabinet-Yaak area and the Selkirk Mountains are small and that increasing human demands exist in the areas, including logging, recreation, and livestock grazing. After a review of the petition, accompanying documentation, and references cited therein, the Service found the petitioners presented substantial information that the requested action for the Cabinet-Yaak Ecosystem and the Selkirk Ecosystem may be warranted. Within 1 year from the date the petitions were received, a finding as to whether the petitioned actions are warranted is required by section 4(b)(3)(B) of the Act.

With the publication of these findings, the Service initiates a status review of grizzly bear populations in the Cabinet-Yaak Ecosystem and the Selkirk Ecosystem. The Service solicits any additional data, comments, and suggestions from the public, other concerned Government Agencies, the scientific community, industry, or any other interested party concerning the status of this species.

The reclassification of the grizzly bear in the North Cascades Ecosystem has been previously addressed by the

Service in a Federal Register Notice, dated July 24, 1991, (56 FR 33892-33894), in response to a petition submitted by the Humane Society of the United States, Greater Ecosystem Alliance, North Cascades Audubon Society, Skagit Alpine Club, North Cascades Conservation Council, and Carol Rae Smith. The finding of the Service in response to the petition to change the status of grizzly bears in the North Cascades from threatened to endangered was warranted but precluded at this time.

In regard to the petitioner's request that critical habitat be designated for the Northern Continental Divide, Yellowstone, Selkirk, and Cabinet-Yaak Ecosystems, the designation of critical habitat is not a petitionable action under the Act. The Service will consider the request under the Administrative Procedures Act (5 U.S.C. 553). If it is determined that the petitioned action to change the status of the grizzly bear in the Cabinet-Yaak and Selkirk Ecosystems is warranted, then the designation of critical habitat would have to be addressed in the subsequent proposed rule.

References Cited

- Interagency Grizzly Bear Committee. 1986. Interagency grizzly bear guidelines. U.S. Dept. of Agriculture, Washington, D.C. 99pp.
- Kasworm, W. and T. Thier. 1991. Cabinet-Yaak Ecosystem grizzly bear and black bear research 1990 progress report. U.S. Fish and Wildlife Service, Missoula, Montana. 35 pp.
- Knight, R., B. Blanchard, and D. Mattson. 1991. Yellowstone grizzly bear investigations, report of the Interagency Study Team, 1990. National Park Service, Yellowstone National Park. 11 pp.
- U.S. Fish and Wildlife Service. 1982. Grizzly bear recovery plan. U.S. Fish and Wildlife Service, Denver, Colorado. 109 pp.
- U.S. Fish and Wildlife Service. 1990. Grizzly bear recovery plan, draft revision. U.S. Fish and Wildlife Service, Denver, Colorado. 117 pp.
- Wakkinen, W.L., P. Zager, and R. Wielgus. 1990. Selkirk Mountains grizzly bear ecology project, April 1990-October 1990. Idaho Dept. of Fish and Game, Boise, Idaho. 14 pp.

Author

This notice was prepared by Dr. Christopher Servheen (see ADDRESSES above).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, and Transportation.

Dated: March 23, 1992.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 92-9108 Filed 4-17-92; 8:45 am]

BILLING CODE 4310-55-M

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB75

Endangered and Threatened Wildlife and Plants; Proposal To List the Plant *Coryphantha Scheeri* var. *Robustispina* (Pima Pineapple Cactus) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to list the plant *Coryphantha scheeri* var. *robustispina* (Pima pineapple cactus), as an endangered species under the authority of the Endangered Species Act of 1973, as amended (Act). This species is known from Pima and Santa Cruz counties, southern Arizona, and northern Sonora, Mexico. Threats to the species include illegal collection, habitat degradation due to recreation, historical and present overuse of the habitat by livestock, and habitat loss due to mining, agriculture, road construction, urbanization, and range management practices to increase livestock forage. This proposal, if made final, would implement Federal protection provided by the Act for Pima pineapple cactus. Critical habitat is not being proposed. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by June 19, 1992. Public hearing requests must be received by June 4, 1992.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Ecological Services Field Office, U.S. Fish and Wildlife Service, 3616 West Thomas Road, suite 6, Phoenix, Arizona 85019. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sue Rutman, at the above address (Telephone 602/379-4720 or FTS 261-4720).